FILED
2023 Feb-27 PM 04:04
U.S. DISTRICT COURT
N.D. OF ALABAMA

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

Metropolitan Transportation Authority, et al.,

Plaintiffs,

v.

No. 2:22-cv-00265-RDP

Blue Cross Blue Shield of Alabama, et al.,

Defendants.

JOINT STIPULATION REGARDING BRIEFING SCHEDULE

Plaintiffs and Defendants in the above-captioned action (together, the "Parties"), by and through their undersigned counsel, hereby stipulate and agree as follows:

On January 20, 2023, all Defendants filed a motion to dismiss (Dkt. 188) and certain Defendants filed a motion to dismiss challenging personal jurisdiction and venue (Dkts. 182, 187). On January 27, 2023 the Parties filed a joint stipulation regarding a briefing schedule applicable to these motions. The Court adopted the Parties' stipulated briefing schedule on January 30, 2023. (Dkt. 192.) The Parties have met and conferred regarding an amended briefing schedule applicable to these motions:

NOW, THEREFORE, the Parties agree as follows:

- 1. Plaintiffs' briefs in opposition to each of the motions to dismiss filed by Defendants (Dkts. 182, 187, 188) are due by March 27, 2023.
- Defendants' reply briefs in support of each motion to dismiss (Dkts. 182, 187, 188) are due by April 27, 2023.

Dated: February 27, 2023

Respectfully submitted,

/s/ Wilson F. Green

Wilson F. Green

OF COUNSEL:

WILSON F. GREEN LLC

301 19th Street North, Ste. 525 Birmingham, Alabama 35203 (205) 722-1018 Wilson@wilsongreenlaw.com

Counsel for Plaintiffs

Metropolitan Transportation Authority, Long Island Rail Road Company, Manhattan and Bronx Surface Transit Operating Authority, Metro-North Commuter Railroad Company, New York City Transit Authority, Triborough Bridge and Tunnel Authority, MTA Bus Company, MTA Construction and Development Company, Staten Island Transit Operating Authority

Regina Calcaterra Michael Liskow Anjori Mitra

CALCATERRA POLLACK LLP

1140 Avenue of the Americas, 9th Fl. New York, NY 10036 Telephone: (212) 899-1760 rcalcaterra@calcaterrapollack.com mliskow@calcaterrapollack.com amitra@calcaterrapollack.com

Counsel for Plaintiffs

Metropolitan Transportation Authority, Long Island Rail Road Company, Manhattan and Bronx Surface Transit Operating Authority, Metro-North Commuter Railroad Company, New York City Transit Authority, Triborough Bridge and Tunnel Authority, MTA Bus

Company, MTA Construction and Development Company, Staten Island Transit Operating Authority

Dated: January 27, 2023 Respectfully submitted,

/s/ David Korn

David H. Korn

Evan R. Chesler

Karin A. DeMasi

Lauren R. Kennedy

Helam Gebremariam

CRAVATH, SWAINE & MOORE LLP

Worldwide Plaza

825 Eighth Avenue

New York, NY 10019

Tel: (212) 474-1000

Fax: (212) 474-3700

echesler@cravath.com

kdemasi@cravath.com

lkennedy@cravath.com

hgebremariam@cravath.com

dkorn@cravath.com

Lead Counsel for the Blue Cross Blue Shield System; Counsel for Defendants Blue Cross Blue Shield Association; Blue Cross Blue Shield of Alabama; Blue Cross and Blue Shield of Arizona, Inc.; GuideWell Mutual Holding Corporation; Blue Cross and Blue Shield of Florida, Inc.; Blue Cross and Blue Shield of Massachusetts, Inc.; Blue Cross and Blue Shield of North Carolina; BlueCross BlueShield of Tennessee, Inc.; California

Physicians' Service d/b/a Blue Shield of California; CareFirst, Inc.; CareFirst of Maryland, Inc.: Group Hospitalization and Medical Services, Inc.; CareFirst BlueChoice, Inc.; Hawaii Medical Service Association (Blue Cross and Blue Shield of Hawaii); Health Care Service Corporation, an Illinois Mutual Legal Reserve Company, including its divisions Blue Cross and Blue Shield of Illinois, Blue Cross and Blue Shield of Texas, Blue Cross and Blue Shield of New Mexico, Blue Cross and Blue Shield of Oklahoma, and Blue Cross and Blue Shield of Montana; Caring for Montanans, Inc., f/k/a Blue Cross and Blue Shield of Montana, Inc.; Wellmark of South Dakota, Inc. (Wellmark Blue Cross and Blue Shield of South Dakota); Wellmark, Inc. (Wellmark Blue Cross and Blue Shield of Iowa); Triple-S Management Corporation; Triple-S Salud, Inc.

Craig A. Hoover
E. Desmond Hogan
Justin Bernick
Elizabeth Jose
W. David Maxwell
HOGAN LOVELLS US LLP
Columbia Square
555 13th Street, N.W.
Washington, DC 20004
Tel: (202) 637-5600
Fax: (202) 637-5910

Fax: (202) 637-5910 craig.hoover@hoganlovells.com desmond.hogan@hoganlovells.com justin.bernick@hoganlovells.com

Kimberly R. West (Liaison Counsel)
Mark M. Hogewood
WALLACE, JORDAN, RATLIFF &
BRANDT, LLC
First Commercial Bank Building
800 Shades Creek Parkway, Suite 400
Birmingham, AL 35209
Tel: (205) 870-0555
Fax: (205) 871-7534
kwest@wallacejordan.com
mhogewood@wallacejordan.com

Counsel for Defendants Blue Cross Blue Shield Association; Blue Cross and Blue Shield of Arizona, Inc.; CareFirst, Inc.; elizabeth.jose@hoganlovells.com david.maxwell@hoganlovells.com

Counsel for Anthem, Inc., f/k/a WellPoint, Inc., and all of its named subsidiaries in this action; Louisiana Health Service & Indemnity Company (Blue Cross and Blue Shield of Louisiana); BCBSM, Inc. (Blue Cross and Blue Shield of Minnesota); Blue Cross and Blue Shield of South Carolina; Horizon Healthcare Services, Inc. (Horizon Blue Cross and Blue Shield of New Jersey); Blue Cross & Blue Shield of Rhode Island; Blue Cross and Blue Shield of Vermont; Cambia Health Solutions, Inc.; Regence Blue Shield of Idaho; Regence Blue Cross Blue Shield of Washington); Regence Blue Cross Blue Shield of Oregon

John D. Martin
Lucile H. Cohen
Travis A. Bustamante
NELSON MULLINS RILEY &
SCARBOROUGH LLP
1320 Main Street, 17th Floor
Columbia, SC 29201
Tel: (803) 255-9421
Fax: (803) 256-7500
john.martin@nelsonmullins.com
lucie.cohen@nelsonmullins.com
travis.bustamante@nelsonmullins.com

Counsel for Anthem, Inc., f/k/a WellPoint, Inc., and all of its named subsidiaries in this action; Louisiana Health Service & Indemnity Company (Blue Cross and Blue Shield of Louisiana); BCBSM, Inc. (Blue Cross and Blue Shield of Minnesota); Blue Cross and Blue Shield of South Carolina; Horizon Healthcare Services, Inc. (Horizon Blue Cross and Blue Shield of New

CareFirst of Maryland, Inc.; Group Hospitalization and Medical Services, Inc.; Health Care Service Corporation, an Illinois Mutual Legal Reserve Company, including its divisions Blue Cross and Blue Shield of Illinois, Blue Cross and Blue Shield of Texas, Blue Cross and Blue Shield of New Mexico, Blue Cross and Blue Shield of Oklahoma, and Blue Cross and Blue Shield of Montana; Caring for Montanans, Inc., f/k/a Blue Cross and Blue Shield of Montana, Inc.; Highmark Health; Highmark Inc., f/k/a Highmark Health Services; Highmark West Virginia Inc.; Highmark BCBSD Inc.; California Physicians' Service d/b/a Blue Shield of California; Wellmark of South Dakota, Inc. (Wellmark Blue Cross and Blue Shield of South Dakota); Wellmark, Inc. (Wellmark Blue Cross and Blue Shield of Iowa); Hawaii Medical Service Association (Blue Cross and Blue Shield of Hawaii)

Carl S. Burkhalter
John Thomas A. Malatesta, III
MAYNARD COOPER & GALE PC
1901 6th Avenue North, Suite 2400
Regions Harbert Plaza
Birmingham, AL 35203
Tel: (205) 254-1000
Fax: (205) 254-1999
cburkhalter@maynardcooper.com
jmalatesta@maynardcooper.com

Pamela B. Slate HILL CARTER FRANCO COLE & BLACK, P.C. Jersey); Blue Cross & Blue Shield of Rhode Island; Blue Cross and Blue Shield of Vermont; Cambia Health Solutions, Inc.; Regence Blue Shield of Idaho; Regence Blue Cross Blue Shield of Utah; Regence Blue Shield (of Washington); Regence Blue Cross Blue Shield of Oregon; Blue Cross & Blue Shield of Mississippi, a Mutual Insurance Company; Wellmark of South Dakota, Inc. (Wellmark Blue Cross and Blue Shield of South Dakota); Wellmark, Inc. (Wellmark Blue Cross and Blue Shield of Iowa); Hawaii Medical Service Association (Blue Cross and Blue Shield of Hawaii); Triple-S Salud, Inc; Defendants Blue Cross and Blue Shield of Florida, Inc.; Blue Cross and Blue Shield of Massachusetts, Inc.; BlueCross BlueShield of Tennessee, Inc.

Cavender C. Kimble BALCH & BINGHAM LLP 1901 6th Avenue North, Suite 1500 Birmingham, AL 35203-4642 Tel: (205) 226-3437 Fax: (205) 488-5860

ckimble@balch.com

Counsel for Anthem, Inc., f/k/a WellPoint, Inc., and all of its named subsidiaries in this action; Blue Cross and Blue Shield of North Carolina; Louisiana Health Service & Indemnity Company (Blue Cross and Blue Shield of Louisiana); BCBSM, Inc. (Blue Cross and Blue Shield of Minnesota); Blue Cross and Blue Shield of South Carolina; Horizon Healthcare Services, Inc. (Horizon Blue Cross and Blue Shield of New Jersey); Blue Cross & Blue Shield of Rhode Island; Blue Cross and Blue Shield of Vermont; Cambia Health Solutions, Inc.; Regence Blue Shield of Idaho; Regence Blue Cross Blue Shield of Washington);

425 South Perry Street Montgomery, AL 36104 Tel: (334) 834-7600 Fax: (334) 386-4381 pslate@hillhillcarter.com

With Cravath, Swaine & Moore LLP, counsel for Defendant Blue Cross Blue Shield of Alabama

Jeffrey J. Zeiger, P.C. KIRKLAND & ELLIS LLP 300 North LaSalle Chicago, IL 60654 Tel: (312) 862-2000 Fax: (312) 862-2200 jzeiger@kirkland.com

Counsel for Defendants Health Care Service Corporation, an Illinois Mutual Legal Reserve Company, including its divisions Blue Cross and Blue Shield of Illinois, Blue Cross and Blue Shield of Texas, Blue Cross and Blue Shield of New Mexico, Blue Cross and Blue Shield of Oklahoma, and Blue Cross and Blue Shield of Montana; Caring for Montanans, Inc., f/k/a Blue Cross and Blue Shield of Montana, Inc.; Highmark Health; Highmark Inc., f/k/a Highmark Health Services; Highmark West Virginia Inc.; Highmark BCBSD Inc.; Highmark Western and Northeastern New York Inc. (except with respect to claims by Bed Bath and Beyond Inc. and its affiliates and discovery to Raytheon Technology Corporation and its affiliates and General Motors Company

Regence Blue Cross Blue Shield of Oregon

and its affiliates)

Gwendolyn Payton

KILPATRICK TOWNSEND & STOCKTON

LLP

1420 Fifth Avenue, Suite 3700

Seattle, WA 98101 Tel: (206) 626-7714 Fax: (206) 299-0414

gpayton@kilpatricktownsend.com

Counsel for Defendants Premera Blue Cross, d/b/a Premera Blue Cross Blue Shield of Alaska

Brian K. Norman SHAMOUN & NORMAN, LLP 1800 Valley View Lane, Suite 200

Tel: (214) 987-1745 Fax: (214) 521-9033 bkn@snlegal.com

H. James Koch ARMBRECHT JACKSON LLP

Farmers Branch, TX 75234

RSA Tower, 27th Floor 11 North Water Street Mobile, AL 36602 Tel: (251) 405-1300

Fax: (251) 432-6843 hjk@ajlaw.com

Counsel for Defendants CareFirst, Inc.; CareFirst of Maryland, Inc.; Group Hospitalization and Medical Services, Inc.; CareFirst BlueChoice, Inc.

M. Patrick McDowell Norman E. "Benje" Bailey, Jr. Jonathan M. Redgrave REDGRAVE, LLP

4800 Westfields Blvd, Suite 250

Chantilly, VA 20151 Tel: (703) 592-1155 Fax: (612) 332-8915

jredgrave@redgravellp.com

Additional Counsel for HCSC and Highmark Defendants and California Physicians' Service d/b/a Blue Shield of California

Todd M. Stenerson
Brian C. Hauser
SHEARMAN & STERLING LLP
401 9th Street, N.W., Suite 800
Washington, DC 20004
Tel: (202) 508-8000
Fax: (202) 508-8100
todd.stenerson@shearman.com

todd.stenerson@shearman.com brian.hauser@shearman.com

Rachel Mossman Zieminski SHEARMAN & STERLING LLP 2601 Olive Street, Suite 1700

Dallas, TX 75201 Tel: (214) 271-5777 Fax: (214) 271-5778

rachel.zieminski@shearman.com

Sarah L. Cylkowski Thomas J. Rheaume, Jr. BODMAN PLC 1901 Saint Antoine Street BRUNINI, GRANTHAM, GROWER

& HEWES, PLLC

190 East Capitol Street

The Pinnacle Building, Suite 100

Jackson, MS 39201

Tel: (601) 948-3101

Fax: (601) 960-6902

pmcdowell@brunini.com

Cheri D. Green

BLUE CROSS & BLUE SHIELD OF

MISSISSIPPI, A MUTUAL INSURANCE

COMPANY

P.O. Box 1043

Jackson, MS 39215

Tel: (601) 932-3704

cdgreen@bcbsms.com

Counsel for Defendant Blue Cross & Blue Shield of Mississippi, a Mutual Insurance Company

Ryan M. Hodinka

BALCH & BINGHAM, LLP

1901 6th Avenue North, Suite 1500

Birmingham, AL 35203-4642

Tel: (205) 226-3464

Fax: (205) 488-5848

rhodinka@balch.com

Counsel for Defendant USAble Mutual Insurance

Company, d/b/a Arkansas Blue Cross and

Blue Shield and as Blue Advantage Administrators

of Arkansas

Robert K. Spotswood

Michael T. Sansbury

Joshua K. Payne

Jess R. Nix

6th Floor at Ford Field

Detroit, MI 48226

Tel: (313) 259-7777

Fax: (734) 930-2494

scylkowski@bodmanlaw.com

trheaume@bodmanlaw.com

Andy P. Campbell

Cason M. Kirby

CAMPBELL PARTNERS LLC

505 North 20th Street, Suite 1600

Birmingham, AL 35203

Tel: (205) 224-0750

Fax: (205) 224-8622

andy@campbellpartnerslaw.com

cason@campbellpartnerslaw.com

Counsel for Defendant Blue Cross and

Blue Shield of Michigan

John DeQ. Briggs

Jeny M. Maier

AXINN, VELTROP & HARKRIDER,

LLP

1901 L Street, N.W.

Washington, DC 20036

Tel: (202) 912-4700

Fax: (202) 912-4701

jbriggs@axinn.com

jmaier@axinn.com

Kail J. Jethmalani

AXINN, VELTROP & HARKRIDER,

LLP

114 W 47th Street

New York, NY 10036

Tel: (212) 728-2200

Fax: (212) 728-2201

kjethmalani@axinn.com

Morgan B. Franz

SPOTSWOOD SANSOM & SANSBURY LLC

Financial Center

505 20th Street North, Suite 700

Birmingham, AL 35203 Tel: (205) 986-3620 Fax: (205) 986-3639 rks@spotswoodllc.com

msansbury@spotswoodllc.com jpayne@spotswoodllc.com jnix@spotswoodllc.com mfranz@spotswoodllc.com

Counsel for Defendant Capital Blue Cross

Robert R. Riley, Jr.

RILEY & JACKSON, P.C. 3530 Independence Drive Birmingham, AL 35209 Tel: (205) 879-5000 Fax: (205) 879-5901

rob@rileyjacksonlaw.com

Counsel for Defendants Blue Cross and Blue Shield of Florida, Inc.; Blue Cross and Blue Shield of Massachusetts, Inc.; BlueCross BlueShield of Tennessee, Inc.

Edward S. Bloomberg John G. Schmidt Jr. Anna Mercado Clark PHILLIPS LYTLE LLP

One Canalside 125 Main Street Buffalo, NY 14203 Tel: (716) 847-8400 Fax: (716) 852-6100

ebloomberg@phillipslytle.com jschmidt@phillipslytle.com Stephen A. Rowe Aaron G. McLeod

ADAMS AND REESE LLP

1901 Sixth Avenue North, Suite 3000

Birmingham, AL 35203 Tel: (205) 250-5080 Fax: (205) 250-5034 steve.rowe@arlaw.com aaron.mcleod@arlaw.com

Counsel for Defendants Independence Hospital Indemnity Plan, Inc. f/k/a Independence Blue Cross; Independence Health Group, Inc.

Kathleen Taylor Sooy Tracy A. Roman

CROWELL & MORING LLP 1001 Pennsylvania Avenue, N.W.

Washington, DC 20004
Tel: (202) 624-2500
Fax: (202) 628-5116
ksooy@crowell.com

troman@crowell.com

Sarah Gilbert Honor Costello

CROWELL & MORING LLP 590 Madison Avenue, 20th Floor

New York, NY 10022 Tel: (212) 223-4000 Fax: (212) 223-4134 sgilbert@crowell.com hcostello@crowell.com

John M. Johnson Brian P. Kappel

LIGHTFOOT FRANKLIN & WHITE

LLC

aclark@phillipslytle.com

Counsel for Defendants Excellus Health Plan, Inc., d/b/a Excellus BlueCross BlueShield and Lifetime Healthcare, Inc. (appearing for the MTA case only) The Clark Building 400 20th Street North Birmingham, AL 35203 Tel: (205) 581-0700 Fax: (205) 581-0799 jjohnson@lightfootlaw.com bkappel@lightfootlaw.com

Counsel for Defendants Blue Cross and Blue Shield of Nebraska; GoodLife Partners, Inc.; Blue Cross of Idaho Health Service, Inc.; Blue Cross and Blue Shield of Kansas, Inc.; Blue Cross and Blue Shield of Kansas City; HealthyDakota Mutual Holdings; Blue Cross Blue Shield of North Dakota; and Blue Cross Blue Shield of Wyoming

SO ORDERED this ____ day of February 2023.

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE